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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,624	06/27/2003	Koji Arakawa	NECG 20.476	8464
26304 7590 08/23/2007 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER RIVAS, SALVADOR E	
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			08/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/608,624

Applicant(s)

ARAKAWA, KOJI

Examiner

Salvador E. Rivas

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☒ Claim(s) 2,3,4,6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on June 27, 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 07/22/2003 and 11/06/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statements submitted on July 22, 2003 and November 06, 2003 have been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bavant et al. (U.S. Patent # 6,529,473 B1)** in view of **Gregorat (U.S. Patent # 6,327,243 B1)**.

Regarding **claims 1 and 5**, Bavant et al. teach an distributed architecture device for switching ATM cells (an active/standby switching system) that comprises of two types of hardware modules. The first hardware type is composed of junctor modules (Fig.4 @ 8₁ and 8_N) while the second hardware type referred to as "BRAGS" (Fig.4 @ 9₁ and 9₂) consists of two cross connection modules (Fig.4 @ 3₁ and 3₂) and two management modules (Fig.4 @ 4₁ and 4₂) coupled to ATM/AAL modules (Fig.4 @ 2_{N+1} and 2_{N+2}) and wherein one of "BRAGS" is operating in an "active" mode and the other "BRAGS" is operating in a "passive" mode. When a failure is detected on the active mode "BRAGS" a request signal is sent via the supervisor bus (Fig.4 @ 10) which is a link between the "BRAGS" (Fig.4 @ 9₁ and 9₂) that will allow for the changeover of mode operations to take place. However, Bavant et al. fails to teach an active/standby switching system wherein handover information to prevent cell loss of AAL2 cells from occurring as a result of the active/standby switching and uncompleted cell data in the course of disassembling and said AAL2 cell assembling/disassembling processor unit to become a new active system receiving the handover information and the uncompleted cell data and carrying out AAL2 cell assembling or disassembling.

Gregorat teaches an interchange from a primary to a secondary router where in process packets being processed by a control processor (Fig.2 @ 210, Column 1 Lines 65-67) are handed over to a control processor in the secondary router (Fig.2 @ 260) for reprocessing to prevent data loss from occurring as a result of the active/standby switching (Column 1 Lines 55-60, consider handover information as data packets being exchange during switchover operation) and uncompleted cell data in the course of

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disassembling (Column 1, Lines 65-67, consider uncompleted cell data as "in-process" data packets "currently being processed by the control processor of the primary packet routing engine.") and said AAL2 cell assembling/disassembling processor unit (read as control processor, Fig.2 @ 260) to become a new active system receiving the handover information and the uncompleted cell data and carrying out AAL2 cell assembling or disassembling (Fig.3 @ 315, Column 2 Lines 9-13, wherein "an improved redundant data packet switch in which the secondary packet routing engine is able to identify in-process data held in the primary packet routing engine and is able to correctly re-process such in-process data after a switch-over has occurred"). Even though Gregorat does not specifically teach the control processor is an AAL2 assembler/disassembler, it would have been obvious to one of ordinary skill in the art to combine Gregorat with Bavant et al. for the purpose of transferring cells and preventing the loss of cells during an interchange of active/standby states between two management modules. The motivation to combine is to efficiently reconfigure an architecture that allows for the switching of ATM cells in a LAN.

Allowable Subject Matter

4. **Claims 2, 3, 4, 6, and 7** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or early communications from the Examiner should be directed to Salvador E. Rivas whose telephone number is (571) 270-1784. The examiner can normally be reached on Monday-Friday from 7:30AM to 5:00PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272- 3078. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Salvador E. Rivas
S.E.R./ser

August 6, 2007



KENNETH VANDERPUYE
SUPERVISORY PATENT EXAMINER